

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID ALLEN GILLUM,

Plaintiff,

v.

OWENS, et al.,

Defendant.

CASE NO. 2:19-cv-01859-RSM-BAT

**ORDER**

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, Chief United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and **ORDERS**:

(1) The Court **ADOPTS** the Report and Recommendation.

(2) Summary judgment is **GRANTED IN-PART** to dismiss the generalized claims of unconstitutional confinement and to dismiss defendant Sergeant Namon Merritt, Jr.

(3) Summary judgment is **DENIED IN-PART** without prejudice as to King County and the correctional officers on the question of excessive custody.

(4) King County is **SUBSTITUTED** as the proper defendant in place of Maleng Regional Justice Center.

1 (5) *Pro se* plaintiff should be **GRANTED LEAVE TO AMEND** his complaint  
2 **within thirty (30) days** to clarify that that defendants include **Captain Dean Owens**; to add  
3 **DAJD Sergeant Thomas Manning** and **DAJD Corrections Officer Jon McLellan** as  
4 defendants sued in their individual capacities; and to reflect that **the sole § 1983 claim is one for**  
5 **excessive custody**.

6 (6) The current pretrial scheduling order is **STRICKEN**. Dkts. 24, 32. Once plaintiff  
7 has filed his amended complaint, the Court will order service on Sergeant Manning and Officer  
8 McLellan and issue an amended pretrial scheduling order.

9 (7) This matter is **REFERRED** to Chief Magistrate Judge Brian A. Tsuchida for  
10 further pretrial proceedings.

11 (8) The Clerk is directed to send copies of this Order to the parties and to Judge  
12 Tsuchida.

13 Dated this 21<sup>st</sup> day of October, 2020.

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17 RICARDO S. MARTINEZ  
18 CHIEF UNITED STATES DISTRICT JUDGE  
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